

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



January 24, 2014

Scott R. Fazekas, AIA, CBO, LEED AP, CASp
Building Official
City of La Habra Heights
1245 N. Hacienda Road
La Habra Heights, CA 90631

RE: Ordinance #2013-05, 06

Dear Mr. Fazekas:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 18, 2013.

Our review finds the submittal to contain two ordinances modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modifications are accepted for filing and are enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CITY OF LA HABRA HEIGHTS

1245 N. Hacienda Road
La Habra Heights, CA 90631
(562) 694-6302
www.lhhcity.org

2013 DEC 18 2:30 PM
CITY OF LA HABRA HEIGHTS
CITY CLERK'S OFFICE

December 17, 2013

California Building Standards Commission
2525 Natomas Park Dr., Suite 130
Sacramento, CA 95833-2936

RE: CITY OF LA HABRA HEIGHTS, CODE ADOPTION ORDINANCES

Mr. Doug Hensel:

The City of La Habra Heights has adopted the current Building, Residential, Fire, Green Building Standards, Plumbing, Mechanical, and Electrical Codes of the State of California.

The City of the La Heights has recommended changes and modifications to the Codes and have advised that certain said changes and modifications to be 2013 Editions of the California Building and Residential Codes are reasonably necessary due to local conditions in the City of La Habra Heights and have further advised that the remainder of the said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Code or are reasonably necessary to safeguard life and property within the City of La Habra Heights.

The enclosed City Ordinances are for your files.

If additional information is desired please telephone this office at (949) 475-2901.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott R. Fazekas".

Scott R. Fazekas, AIA, CBO, LEED AP, CASp
Building Official

Attachment: Ordinance 2013-05
Ordinance 2013-06

ORDINANCE NO. 2013- 05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS CALIFORNIA, ADOPTING THE 2013 EDITIONS OF THE CALIFORNIA BUILDING STANDARDS CODES AND MAKING NECESSARY AMENDMENTS THERETO

THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings.

- A. California law requires that on January 1, 2014, all portions of the 2013 Building Standards Code will be effective within the City.
- B. Pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City may amend the provisions of the Building Standards Code which are reasonably necessary to protect the health, welfare and safety of citizens of La Habra Heights because of "local climatic, geological, or topographical conditions."
- C. The City of La Habra Heights is located in a hillside area in the southeastern portion of Los Angeles County that is more prone to high winds, earthquakes, and fire, more difficult for firefighters to access than many other areas in California and abuts a significant wildlife and native habitat preserve. The City of La Habra Heights also lacks certain public infrastructure, such as curbs, gutters, storm drains and sewers, in most neighborhoods.
- D. The Building Official has recommended modifying California Building Standards Code due to local conditions in the City of La Habra Heights.
- E. The findings within Exhibit A are incorporated by reference. Such findings are in accordance with California Health and Safety Code Section 18941.5.
- F. In accordance with Section 15061(b)(3) of the California Code of Regulations, the adoption of local amendments to the California Building Standards Code, and amending the La Habra Heights Municipal Code are exempt from the provisions of the California Environmental Quality Act.

Section 2. Adoption of Codes. The following amendments to the text of Article 5 of the Municipal Code shall apply:

- A. The new title of Article 5 shall be: "Building, Residential, Electrical, Plumbing, Mechanical, Energy and Green Building Code".
- B. The first sentence of section 5.1.10 shall be revised to provide: "The purpose of this Article is to establish building, residential, electrical, plumbing, mechanical, energy and green building code requirements, procedures and regulations for new construction."
- C. The final sentence in Section 5.1.20 shall be revised to provide, "The Building Official is responsible for adherence of all development to the Building, Residential, Mechanical, Electrical, Plumbing, Energy and Green Building Codes established by this Article."

- D. Section 5.2.20, of the Municipal Code, entitled "Application of California Codes", is hereby revised to provide as follows:

"5.2.20 Adoption and Application of Codes"

- A. All portions of the California Building Standards Code apply in La Habra Heights, except as provided in this Municipal Code. The Building Standards Code includes:
1. The 2013 California Administrative Code (Part 1);
 2. The California Building Code (Part 2, which is based on the 2012 International Building Code);
 3. 2013 California Residential Code (Part 2.5, based on the 2012 International Residential Code);
 4. 2013 California Electrical Code (Part 3, based on the 2011 National Electrical Code);
 5. 2013 California Mechanical Code (Part 4, based on the 2012 Uniform Mechanical Code);
 6. 2013 California Plumbing Code, (Part 5, based upon the 2012 Uniform Plumbing Code);
 7. 2013 California Energy Code (Part 6);
 8. 2013 California Historical Building Code (Part 8);
 9. 2013 California Fire Code, (Part 9, based on the 2012 International Fire Code);
 10. 2013 California Existing Building Code (Part 10, based on the 2012 International Existing Building Code);
 11. 2013 California Green Building Standards (Part 11, known as the "CALGreen" Code);
 12. 2013 California Referenced Standards Code (Part 12).
- B. Copies of Codes Available. In accordance with, Health & Safety Code § 18942(d), one copy of an up to date version of said codes will remain on file with the City Clerk.
- C. Tests. Whenever there is insufficient evidence of compliance with the provisions of this Code, or to substantiate claims for alternate materials or methods of construction, the Building Official may require tests to be made by an approved agency at the expense of the owner or the owner's agent. Test methods shall be as specified by this Code. If there is no appropriate test method specified in this Code, the Building Official shall determine and specify the test procedure.
- D. Electrical Utility Release. When deemed appropriate by the Building Official, electric utilities may be released. Release of electric utility may be done prior to the building final for testing and inspection purposes. The Building Official shall retain the right to revoke the release of electric utility for just cause, and may have the utility disconnected at the earliest availability of the utility purveyor. Attempting to occupy prior to issuance of a Certificate of Completed Construction, whether temporary or final, may result in disconnection of the utilities. It is unlawful to energize any electrical wiring coming under the provisions of this Code, until such wiring has been inspected and approved. However, permission may be given to furnish temporary electric current for a length of time not exceeding thirty (30) days, or other reasonable period, if the Building Official determines that such electrical wiring may be used safely for such purpose, and that there exists a necessity for such use.

- E. **Authority to Disconnect Electric Utility.** The Building Official may disconnect or order discontinuance of electric utility when used without a required permit or found to be a hazard. The Building Official shall have the power to disconnect or to order the discontinuance of electric utility service as a means of preventing, restraining, correcting or abating any violation of this Code. The electrical service shall remain disconnected or discontinued until the Building Official authorizes service resumption.
- F. **Right of Entry.** Whenever it is necessary to make an inspection in connection with the application for a permit or other approval, or whenever there is reasonable cause to believe that there exists any condition which is hazardous, unsafe or dangerous, the Building Official is authorized to enter and inspect. If the premises are occupied, the Building Official shall request entry explaining the reasons therefore and if such premises are unoccupied, shall first make a reasonable effort to locate the person having control of the premises and request entry. If the person having control of the premises cannot be found or if entry is refused, the Building Official shall have recourse to every remedy provided by law to secure lawful entry and inspect the premises.

If the Building Official has reasonable cause to believe that conditions are so hazardous as to require immediate inspection to safeguard the public health or safety, the Building Official shall have the right to immediately enter and inspect such premises. If the premises are occupied, the Building Official shall first present credentials to the occupant and demand entry, explaining the reasons therefore and the purpose of the inspection.

No person shall fail or refuse, after proper demand, to promptly permit the Building Official to make any inspection provided for by this Code. Any person violating this section shall be guilty of a misdemeanor.

- G. **Stop Work Orders.** Whenever any work is performed contrary to the provisions of this Code, the Building Official may order the work stopped. Any persons so ordered shall immediately stop work until authorized to resume.
- H. **Use Violations.** Whenever any equipment or appliance is determined to be dangerous the Building Official may make an investigation and order such use discontinued. The use shall immediately be discontinued until authorized to resume.

Section 3. No Effect on Grading. The adoption of this ordinance has no effect on the continuing applicability of Chapter 7.17.20, "Applicability of This Chapter", relating to grading.

Section 4. Amendments to Building Standards Code. Chapter 5.4 to be entitled, "Amendments to the 2010 Building, Residential, and Electrical Codes" is hereby added to the Municipal Code to provide as follows:

"5.4.10 Amendments to the 2013 California Building Code."

The following amendments to the California Building Code shall apply in the City:

- A. **Administration.** Division II of Chapter 1, entitled "Administration", is applicable in the City where a conflict occurs between this Chapter and Ordinance Sections 5.2 and 5.3, the more restrictive or more specific shall govern.

- B. Revision. Insert La Habra Heights into the text as the name of jurisdiction.
- C. Section 101.4 is deleted in its entirety (including sections 101.4.1, 101.4.2, 101.4.3, 101.4.4, 101.4.5 and 101.4.6), and replaced with the following:
- “101.4. Referenced Codes. The uniform codes listed in La Habra Heights Municipal Code Section 5.4.10 (which include, among other things, requirements to comply with the Grading Code and the National Pollution Discharge Elimination System (NPDES)) shall be considered part of the requirements of this code to the extent of each such reference.
- D. Section 105.2 is revised by amending exception 9, and adding 14 as follows:
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches (457.2 mm) deep, do not exceed 5,000 gallons (18,927.059L) and are installed entirely above ground.
14. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.
- E. Section 105.3.2, which addresses Application expiration is revised by adding a sentence as follows:
- “In no case shall more than one extension be granted for a project when another edition of the state codes has gone into effect or which exceeds the extensions allowed by the City Fee Ordinance.”
- F. Section 105.5, which addresses Permit expiration is amended by adding a sentence as follows:
- “In no case shall an extension be granted which would extend the construction time from start of work to completion beyond the limits described in Section 5.2.50 or which exceeds the extensions allowed by the City Fee Ordinance. Neither shall an extension be granted for a project which has not substantially started construction in the opinion of the building official if another edition of state codes has gone into effect.”
- G. “On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the fees established by the City of La Habra Heights when it adopted Ordinance 2008-02 to thereby adopt by reference the amendments to the Building Standards Code made by the County of Los Angeles pursuant to Los Angeles County Ordinance number 2007-0108.”
- H. Board of Appeals. Section 113.3 is amended to provide as follows:
- Board of Appeals when used in the Building Standards Codes shall mean the City Council. The Board of Appeals is hereby established for each of the Building Standards Codes. Depending on the subject of the appeal, specialized expertise may be solicited for the purpose of providing input to the Appeals Board.
- I. Wildland Urban Interface. Section 701A.1 of the Building Code is amended to provide as follows:

"701A.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings located within a Wildland-Urban Interface Fire Area as defined in Section 702A. All areas in the City of La Habra Heights are established as falling within the Wildland Urban Interface Fire Area."

- J. **Class A Roofing and Skylights Protection Required.** Section 1505.1 is amended as follows:

1505.1 General. Roof assemblies shall be divided into the classes defined below. Class A roof assemblies shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire-retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2898. The minimum roof coverings installed on buildings shall comply with Table 1505.1 based on the type of construction of the building.

Exception: Skylights and sloped glazing that comply with Chapter 24 or Section 2610 and 708A.2.1 shall not be subject to the requirements listed in this Section 1505.1.

- K. Table 1505.1 is revised to provide:

TABLE 1505.1^a
MINIMUM ROOF COVERING CLASSIFICATIONS
TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m².

- a. Unless otherwise required in accordance with Chapter 7A.

- L. **Section 1505.1.3 is revised to provide:**

1505.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is Class A.

- M. **Non-classified roofing exception.** Section 1505.5 is deleted.

- N. **Special purpose roofs.** Section 1505.7 is deleted.

- O. **Pool Barriers Rules Apply to Private Pools.**

1. The following definition is added to section 3109.4.4.1:

"PRIVATE POOL", is any constructed pool, permanent or portable, and over 18 inches deep which is intended for non-commercial use as swimming pool by not more than three owner families and their guests.

2. The first paragraph of section 3109.4.4.2 is revised to provide:

3109.4.4.2 Construction permit; safety features required. Commencing January 1, 1998, except as provided in Section 3109.4.4.5, whenever a construction permit is issued for construction of a new private pool at a residence, it shall have an enclosure complying with 3109.4.4.3 and, it shall be equipped with at least one of the following safety features:

5.4.20 Amendments to the 2013 California Residential Code.

The following amendments to the California Residential Code shall apply in the City:

A. Table R301.2(1) is revised to provide:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP °	ICE BARRIER UNDERLAYMENT REQUIRED *	FLOOD HAZARDS *	AIR FREEZING INDEX †	MEAN ANNUAL TEMP †
	Speed (mph)	Topographic effects †		Weathering *	Frost line Depth †	Termite *					
Zero	85	No	E	Negligible	12-24"	Very Heavy	43	No	No	0	60

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- The frost line depth may require deeper footings than indicated in Figure R403.1(1). The City shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- The City shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2-percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- The City shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- There are no Flood Hazard Zones in La Habra Heights.
- In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the City shall fill in this part of the table with "NO."
- The City shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°)" at www.ncdc.noaa.gov/fpsf.html.

- j. The City shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the City shall fill in this part of the table with "YES." Otherwise, the City shall indicate "NO" in this part of the table.

B. Masonry Stem Walls. Section R403.1.3 is modified as follows:

In Seismic Design Categories D₀, D₁ and D₂ masonry stem walls without solid grout and vertical reinforcing are not permitted.

C. Class A Roofs. Section R902.1 is amended as follows:

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. At minimum, Class A roofing shall be installed in areas designated by this section. Class A roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

Exceptions:

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.

D. Class A Roofs. Section R902.1.3 is amended as follows:

R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is Class A.

E. Wood Roofs Require Class A Treatment. The first paragraph of Section R902.2 is amended to provide:

R902.2 Fire-retardant-treated shingles and shakes. Fire-retardant-treated wood shakes and shingles are wood shakes and shingles complying with UBC Standard 15-3 or 15-4 which are impregnated by the full-cell vacuum-pressure process with fire-retardant chemicals, and which have been qualified by UBC Standard 15-2 for use on Class A roofs.

5.4.30. Amendments to the 2013 California Electrical Code.

The following amendments to the California Electrical Code shall apply in the City:

- A. The following second and third paragraph is added to Article 310.106(B) to provide as follows:

In general, for all installations, if wiring is to be size 6 or smaller, the wiring must be copper. Consideration for use of aluminum wire can be made by the Building Official for feeder lines only on an individual basis where adequate safety measures can be ensured.

Aluminum conductors of size 6 or smaller may be used for branch circuits only if approved after continuous inspection by an independent testing agency approved by the Building Official for proper torquing of connections at their termination point.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held out to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of La Habra Heights hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsection, sentence clause, phrases or portions be declared valid or unconstitutionally.

Section 6. Continuity. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the La Habra Heights Municipal Code, these provisions shall be construed as continuations of those provisions and not as amendments of the earlier provisions.

Section 7. Intent to Comply with Laws. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section 8. Publication by Clerk. The City Clerk shall cause this Ordinance to be published or posted in accordance with California Government Code Section 36933, shall certify to the adoption of this Ordinance and his/her certification, together with proof of the publication, to be entered in the book of Ordinances of the City Council.

Section 9. Filing with Building Standards Commission. The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission.

Section 10. Effective Date. This Ordinance shall take effect on January 1, 2014.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of La Habra Heights, held on the 14th day of November, 2013.



Roy Francis, Mayor



Shauna Clark, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF LA HABRA HEIGHTS)

CERTIFICATION FOR ORDINANCE NO. 2013- 05.

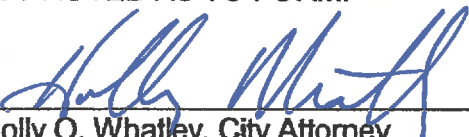
I, Shauna Clark, City Clerk of the City of La Habra Heights, California, do hereby certify that the above and foregoing Ordinance No. 2013- 05 was duly and regularly introduced, passed and adopted at a regular meeting of the City Council held on the 14th day of November, 2013 by the following vote:

AYES: Bergman, Francis, Higgins, Miller, and Williams
NOES: None
ABSENT: None
ABSTAINED: None



Shauna Clark, City Clerk

APPROVED AS TO FORM:



Holly O. Whatley, City Attorney

EXHIBIT A

FACTUAL FINDINGS ESTABLISHING THE REASONABLE NEED FOR LOCAL AMENDMENTS TO PORTIONS OF THE BUILDING STANDARDS CODE BASED UPON CLIMATIC, GEOLOGICAL AND/OR TOPOGRAPHICAL CONDITIONS

Section 1 of this Exhibit sets forth various findings that apply in La Habra Heights, explaining the various local climatic, geological and/or topographical conditions that necessitate the various changes.

Section 2 of this Exhibit explains which findings apply to which amendments.

Section 1. General Findings

The following findings apply in the City of La Habra Heights, and explain why the changes to the Building Standards Code are necessary because of climatic, geological and/or topographical conditions in the city.

A. Climatic Conditions

1. Hot, dry Santa Ana winds are common to all areas within the City of La Habra Heights. These winds, which can cause small fires to spread quickly, are a contributing factor to the high fire danger in the area, and create the need for an increased level of fire protection. This added protection will supplement normal fire department response available and provide immediate protection for life and safety of multiple occupants during fire occurrences.
2. The City of La Habra Heights is located in a semi-arid Mediterranean type climate which predisposes all fuels, including wood shingles, to rapid ignition and spread of fire. Therefore, there exists a need for additional fire protection measures.

B. Geologic Conditions

1. The City of La Habra Heights is located in a highly active seismic area. There are earthquake faults that run along both the northeastern and southwestern boundaries of Orange County. The Newport-Inglewood Fault Zone (NIFZ) which runs through Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude, hypocenter off Newport Beach coast), which took 120 lives, with areas damaged from Laguna Beach to Marina del Rey and inland to Whittier, and poses one of the greatest hazards to lives and property in the nation. Regional planning for reoccurrence is recommended by the State of California, Department of Conservation. There was also an earthquake in December 1989, with the epicenter located near the City of Irvine. The fault on which this quake occurred was unknown prior to this activity. The October 17, 1989, Santa Cruz earthquake resulted in only one major San Francisco fire in the Marina district, but when combined with the 34 other fires and over 500 responses, the department was taxed to its full capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the

earthquake. If more fires had been ignited by the earthquake, it would have been difficult for the fire department to contain them. Experts predict a major earthquake in our area within the next 50 years. This situation creates the need for both additional fire protection measures and automatic on-site fire protection for building occupants since a multitude of fires may result from breakage of gas and electric lines as a result of an earthquake. As noted by "Planning Scenario on a Major Earthquake on the Newport-Inglewood Fault Zone, 1988, State Department of Conservation," page 59, "unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe."

2. Traffic and circulation due to narrow, twisting and steeply graded roads and accessways presently existing in the City of La Habra Heights often places fire department response time to fire occurrences at risk. This condition will be exacerbated by any major disaster, including any earthquake wherein damage to the highway system will occur. This condition makes the need for additional on-site protection for property occupants necessary.

3. The City of La Habra Heights is located in an area subject to a climatic condition of high winds and low humidity. This combination of events creates an environment, which is conducive to rapidly spreading fires. Control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles, and the requirement to climb 75 feet vertically up flights of stairs will greatly impact the response time to reach an incident scene. Additionally, Section 6, Figure 6-2 of ASCE 7 identifies a significant increase in the amount of wind force at 60 feet above the ground. Use of aerial type fire fighting apparatus above this height would place rescue personnel at increased risk of injury.

C. Topographical Conditions

1. The City of La Habra Heights is in a mountainous area with a high percentage of homes on hillsides with heavily landscaped surroundings. Access for fire or rescue response and staging for firefighting are made difficult due to the terrain.

Section 2 – Which Findings Apply to Which Amendments

Amendments to the 2013 Edition of the California Codes are found reasonably necessary based on the climatic and/or geologic conditions cited in Section 1 of this resolution and are listed as follows:

Code Section

Findings in Section

California Building Code

701A.1, 1505.1, Table 1505.1, 1505.1.3, 1505.5, 1505.7
33109.4.4.1, 3109.4.4.2

A-1, A-2, B-2, B-
B-2, C-1

California Residential Code

R902.1, R902.1.3, 902.2

A-1, A-2, B-2, B-3

R403.1.3, R405.1

B-1

California Electrical Code

310.106(B)

A-1, A-2, C-1

The following changes were made for administrative or procedural reasons, or relate to subjects not covered in the Building Standards Codes, and are intended to be compatible with the other provisions of the City's codes.

California Building Code Building Code Sections: 101.2, 101.4, 105.2, 109.2, 113.3.

ORDINANCE NO. 2013 - 06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS AMENDING CHAPTER 4.4, "FIRE CODE", ADOPTING BY REFERENCE TITLE 32 OF THE LOS ANGELES COUNTY FIRE CODE WHICH HAS ADOPTED BY REFERENCE TITLE 24, PART 9 OF THE CALIFORNIA CODE OF REGULATIONS, MAKING LOCAL AMENDMENTS TO THE LOS ANGELES COUNTY FIRE CODE

WHEREAS, the California Building Standards Commission has updated the California Fire Code known as Title 24, Part 9 of the California Code of Regulations to be effective January 1, 2014;

WHEREAS, in response to the California Building Standards Commission's update of the California Fire Code, the County of Los Angeles adopted the 2013 California Fire Code as Title 32 of the Los Angeles County Code also to be effective January 1, 2014;

WHEREAS, the City Council of the City of La Habra Heights does hereby find that there is a need to enforce the most current editions of the California Fire Code as well as the Los Angeles County Fire Code with local amendments thereto;

WHEREAS, pursuant to sections 17922, 17958, 17958.5 and 17958.7 of the California Health & Safety Code, the City may adopt the provisions of the California Building Standards Code and Los Angeles County Fire Code, with certain amendments to the provisions of the codes which are reasonably necessary to protect the health, wealth and safety of citizens of La Habra Heights because of local climatic, geological and topographical conditions;

WHEREAS, on October 9, 2013 and November 14, 2013, the City Council of the City of La Habra Heights made the factual findings outlined herein relating to the amendments to the California Building Standards Code recited herein in accordance with California Health & Safety Code section 18941.5;

WHEREAS, the City Council hereby finds that this ordinance is exempt from the California Environmental Quality Act in accordance with section 15061(b) (3) of the CEQA Guidelines because this ordinance merely changes the regulatory framework relating to fire and life safety, is purely administrative in nature, and any impacts of this ordinance would not be significant because they would be so remote that they would be purely speculative in nature.

THE CITY COUNCIL OF THE CITY OF LA HABRA HEIGHTS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amendment to Municipal Code. Chapter 4.4 (of Article 4, Safety and Environmental Quality) of the La Habra Heights Municipal Code is hereby amended to read as set forth in Exhibit A attached to this Ordinance.

Section 2. Modifications to California Fire Code. All inconsistencies between the Municipal Fire Code, as adopted by this ordinance, and Part 9 of Title 24 the California Code of Regulations are changes, modifications, amendments, additions or deletions thereto authorized by California Health and Safety Code Sections 17858 and 17858.7.

Section 3. Findings. The City finds and declares that all deviations from the 2013 California Fire Code whether previously enacted or enacted directly or via this ordinance, or incorporated by reference, are reasonably necessary for the health, safety and general welfare of the residents of City due to the following local climatic, geological and topographical conditions:

Climatic Conditions

- A. Hot, dry Santa Ana winds are common to all areas within the City of La Habra Heights. These winds, which can cause small fires to spread quickly, are a contributing factor to the high fire danger in the area, and create the need for an increased level of fire protection. This added protection will supplement normal fire department response available and provide immediate protection for life and safety of multiple occupants during fire occurrences.
- B. Due to the prolonged drought in Southern California, the brush and vegetation in the City is unusually dry and highly flammable and combustible. The local climate is characterized by hot, dry summers, followed by strong Santa Ana winds, which are further accentuated by the topographical features of the hills and canyon areas in and adjacent to the City. These conditions make structures in the City particularly vulnerable to rapidly spreading wind-driven fires.
- C. Control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, street lights and utility poles, and the requirement to climb steep hills and drive up winding roads greatly impact the response time to reach an incident scene.
- D. The climate predisposes all fuels, including wood shingles, to rapid ignition and spread of fire. Therefore, there exists a need for additional fire protection measures.

Geologic Conditions

- E. The City is located in a highly active seismic area. There are earthquake faults that run along both the northeastern and southwestern boundaries of Orange County. The Newport-Inglewood Fault Zone (NIFZ) which runs through Orange County was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude, hypocenter off Newport Beach coast), which took 120 lives, with areas damaged from Laguna Beach to Marina del Rey and inland to Whittier, and poses one of the greatest hazards to lives and property in the nation. Regional planning for reoccurrence is recommended by the State of California, Department of Conservation. There was also an earthquake in December 1989, with the epicenter located near the City of Irvine. The

fault on which this quake occurred was unknown prior to this activity. The October 17, 1989, Santa Cruz earthquake resulted in only one major San Francisco fire in the Marina district, but when combined with the 34 other fires and over 500 responses, the department was taxed to its full capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. If more fires had been ignited by the earthquake, it would have been difficult for the fire department to contain them. Experts predict a major earthquake in our area within the next 50 years. This situation creates the need for both additional fire protection measures and automatic on-site fire protection for building occupants since a multitude of fires may result from breakage of gas and electric lines as a result of an earthquake.

Topographic Conditions

- F. Traffic and circulation due to narrow, twisting and steeply graded roads and access ways presently existing in the City of La Habra Heights often places fire department response time to fire occurrences at risk. This condition will be exacerbated by any major disaster, including any earthquake wherein damage to the highway system will occur. This condition makes the need for additional on-site protection for property occupants necessary.
- G. The City is in a mountainous area with a high percentage of homes on hillsides with heavily landscaped surroundings.
- H. Many parts of La Habra Heights are difficult to access and staging by fire crews due to the lack of paved roads and the steepness of the hill sides is challenging.
- I. Legal constraints require the preservation of grasslands and canyon lands, and significant expanses of grasslands exist in and adjacent to the City. Grass fires are a frequent and natural part of Southern California's ecosystem. Structures located near grasslands require additional protection against ignition from flying embers.
- J. A large portion of the Puente Hills Landfill Native Habitat Preservation Authority (Habitat Authority) exists within the boundaries of La Habra Heights. In total, the Habitat Authority manages approximately 3,860 acres of preserved public open space. The Authority also provides public access and recreational opportunities. The size of the preserve and the abundance of brush and other natural vegetation, combined with recreational access greatly increase the fire threat for the City.

Section 4. Municipal Code Amendment. The following provisions are hereby revised in section 4.4.80.A of the Municipal Code, entitled, "Fully Automatic Fire Sprinklers Required":

1. Any new residence, detached habitable structure, or commercial structure regardless of the construction materials.

3. Any residential addition(s), including attached or detached garages, attics, second stories, or other living areas, exceeding one thousand (1,000) square feet of floor area in any twelve (12) month period.

Section 5. Supplementary of Existing Law. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section 6. Continuity. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the La Habra Heights Municipal Code, these provisions shall be construed as continuations of those provisions and not as amendments of the earlier provisions.

Section 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part hereof or exhibit hereto is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part thereof or exhibit thereto. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraph, sentences, clauses or phrases be declared invalid.

Section 8. Publication by Clerk. The City Clerk shall cause this Ordinance to be published or posted in accordance with California Government Code Section 36933, shall certify to the adoption of this Ordinance and his/her certification, together with proof of the publication, to be entered in the book of Ordinances of the City Council.

Section 9. No Effect on Enforceability. The repeal of any sections of the Municipal Code (including any codes adopted by reference), shall not affect or impair any act done, or right vested or approved, or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act, vested right, proceeding, suit, or prosecution shall remain in full force and effect for all purposes as if the applicable provisions of the Municipal Code, or part thereof, had remained in force and effect. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the repeal or alteration of any applicable provision of the 2010 Code as amended, shall be discharged or affected by such repeal or alteration but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceed in all respects as if the applicable provisions of the 2010 Code, as amended, had not been repealed or altered.

Section 10. Filing With Commission. The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission.

Section 11. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code Section 36937.

PASSED, APPROVED and ADOPTED this 14th day of November, 2013.


Roy Francis, Mayor

ATTEST:

I, Shauna Clark, City Clerk of the City of La Habra Heights, California, do hereby certify that foregoing Ordinance 2013-06 was introduced at a regular meeting of the City Council of the City of La Habra Heights held on the 9th day of October, 2013, and was finally passed at a regular meeting of the City Council of the City of La Habra Heights held on the 14th day of November, 2013, by the following vote:

AYES:	Bergman, Francis, Higgins, Miller, and Williams
NOES:	None
ABSENT:	None
ABSTAINED:	None


Shauna Clark, City Clerk

APPROVED AS TO FORM:



Holly O. Whatley, City Attorney

EXHIBIT A

Chapter 4.4 Fire Code

4.4.10 Purpose of this Chapter

This Chapter serves as the City of La Habra Heights Fire Code.

4.4.20 Introduction

A. Adopt Los Angeles Fire Code. Except as hereinafter provided in this Chapter, Title 32, Fire Code, of the Los Angeles County Code, as amended and in effect January 1, 2014, which constitutes an amended version of the 2013 Edition of the California Fire Code, is hereby adopted by reference as if fully set forth and shall constitute and may be cited as the Fire Code of the City of La Habra Heights.

B. No Effect on Fees. Notwithstanding any references within the Los Angeles County Code to the contrary, no provision in the Los Angeles County Code that sets the actual dollar amount of any fee is enforceable in the City. The City may, however, adopt a resolution to establish fees that are authorized by the Los Angeles County Code. Any fee which was in effect in the City at the time of the adoption of the ordinance codified in this chapter need not be re-adopted by resolution, and shall continue in effect, and remain unadjusted in amount unless and until the City Council adopts a resolution repealing the fee or establishing a different fee.

C. References in Documents and Continuing Legal Effect. References to prior versions of the California Fire Code, the Los Angeles County Code, or the La Habra Heights Municipal Code that are amended or renumbered in this Municipal Code, that are cited on notices issued by the City or other documents of ongoing or continuing legal effect, including specifically resolutions adopting or imposing fees or charges, until converted, are deemed to be references to the new counterpart 2013 Fire Code, Los Angeles County Code, or amended Municipal Code sections for the purposes of notice and enforcement. The provisions adopted herein shall not in any manner affect deposits, established fees or other matters of record which refer to, or are otherwise connected with, ordinances which are specifically designated by number, code section or otherwise, but such references shall be deemed to apply to the corresponding provisions set forth in the code sections adopted or amended hereby.

D. Municipal Code Controls. In the event of any conflict between the provisions of the California Fire Code, 2013 Edition, Title 32 of the Los Angeles County Code and any amendment to the Fire Code contained in the City of La Habra Heights Municipal Code, the provisions contained in the Municipal Code shall control.

E. County Code with City Clerk. A copy of Title 32 of the Los Angeles County Code and a copy of the California Fire Code, 2013 Edition, shall be at all times maintained by the City Clerk for use and examination by the public.

4.4.30 Very High Fire Hazard Severity Zone

The following amendments have been made to Title 32 of the Los Angeles County Code:

A. Entire City Designated as Very High Fire Hazard Severity Zone. The City Council has designated every parcel within the boundaries of the City as being located in a Very High Fire Hazard Severity Zone as defined in Section 51175 et seq. of the Government Code.

B. Powers of Chief to Impose Restrictions. Nothing in this Chapter is intended to limit the powers of the Fire Chief to impose more restrictive fire and public safety requirements as otherwise authorized by law. In addition, the Fire Chief is empowered to mandate a curtailment of certain activities during periods where the risk of fire, including wildfire, is higher than normal.

4.4.40 Prohibited Activities

A. Storage of Hazardous Materials. The following regulations govern the storage of hazardous materials, including those materials and chemicals that are flammable:

1. All combustible and/or hazardous materials shall be stored in proper containers with legible content labels.
2. Any person who handles or stores or intends to handle or store hazardous materials that require permits from County, State, and/or Federal governments shall obtain and keep current any applicable permit pursuant to the requirements of Federal, State, and/or County regulations. This provision does not apply to household products available for public sale.

3. No person or business shall store any hazardous materials regulated by this Chapter until a Hazardous Materials Permit has been issued from the County of Los Angeles and approved by the City of La Habra Heights Fire Department.

4. All installation, construction, repair or modification, closure, and removal of hazardous materials storage facilities shall be to the satisfaction of the Fire Chief. The City shall have the discretion to impose reasonable additional or different requirements in order to better secure the purpose and general obligation of this Chapter for protection of public health, safety and welfare.

5. All flammable materials must be removed from gutters, roof areas, and eaves. Firewood, lumber, flammable chemicals or other combustible materials shall not be stored next to any structure.

B. Other Prohibited Activities.

1. **Open Fires.** Outdoor fires, including fires set for the burning of rubbish, debris, vegetation, or any other materials, are prohibited. Outdoor cooking is allowed if within a barbeque or an enclosed pit of lava rocks fed by natural gas.

2. **Fireworks.** The possession, sale, discharge, firing or use of any fireworks is prohibited.

3. **Explosives.** No person shall store or keep for sale within the City any gunpowder, giant powder or blasting powder in quantities greater than five (5) pounds. Caps of the type used for detonating explosives shall not be brought into or stored within the City without prior written approval of the Fire Department. This Subsection does not apply to loaded cartridges, shells or powder in shells.

4. **Smoking.** No person shall smoke within an area set aside for public use. Public use areas may include, but are not limited to, civic facilities, parks, open space areas, and trails. Such activities may also be prohibited by signage or other means and in vehicles using public and private roads during those periods identified by the Fire Chief as being high fire hazard periods.

5. **Tampering with Fire Suppression/Detection Devices.** No person shall tamper with fire detection and/or suppression equipment, including, but not limited to: sprinklers, alarms, fire extinguishers and signs.

6. **Arson/Negligence.** The activities listed in this Subsection shall, at a minimum, constitute misdemeanors and may be prosecuted as felony offenses to the extent permitted by State law:

- a. Any person who individually or through another willfully, negligently, or in violation of law sets a fire or allows a fire to be set other than in a barbeque or enclosed fire pit of lava rocks fed by natural gas;
- b. Any person who allows a fire to escape from his or her control;
- c. Any person who allows any hazardous materials to be handled, stored or transported in a manner not authorized by law;
- d. Any person who neglects to properly comply with any written notice of the Fire Chief or his/her designee.

7. **Unsafe Structures.** The ownership or maintenance of any structure that has characteristics that constitute a fire hazard is prohibited.

4.4.50 Weed Abatement

A. **Property Owner Responsibilities.** Every person who owns or is in possession of any property within the City of La Habra Heights shall, at their own expense, maintain their property free from any growth of weeds that constitutes a fire hazard.

B. **Habitat Authority.** The City shall also monitor the diligence of Puente Hills Landfill Native Habitat Preservation Authority (or that of any successor agency) with regard to brush clearance and fire prevention activities on their properties within and adjacent to the City.

C. **Abatement Procedures.** In order to reduce fire hazards and nuisances associated with weeds, refuse, rubbish and dirt upon or in front of private property, the City Council may conduct proceedings pursuant to Article 2 of Chapter 13 of Part 2 of Division 3 of Title 4 of the California Government Code (Section 39560 et seq.). Such proceedings may include requiring

abatement of fire hazards throughout the City, entering upon property and performing abatement where the private property owner does not abate, and placing a lien on the property to recover costs. Without notice, the Fire Chief may also summarily abate weeds and hazardous growth on private property that in any way hinders emergency access, and charge the property owner for the costs of the abatement.

4.4.60 Live Vegetation Control Measures

The following requirements shall apply:

- A. **Removal of Flammable Vegetation.** All flammable vegetation must be removed from gutters, roof areas, and eaves.
- B. **Tree limbs** must be trimmed for a minimum distance of ten (10) feet from any chimney or stovepipe. Any dead limbs or vegetation hanging over roofs must also be removed.
- C. **Wooden or Combustible Fences.** All flammable materials must be removed within ten (10) feet of any wooden or combustible fence.
- D. **Emergency Vehicle Access.** No property owner may allow any portion of any vegetation on his/her property to interfere with street and emergency vehicle access, regardless of whether ~~the access is along a street, along a private residential access road. Vegetation must be trimmed~~ back a minimum distance of three (3) feet from the edge of pavement. Vegetation must also be trimmed to a minimum height of thirteen (13) feet six (6) inches above the street pavement. The Fire Department may provide written notice to the property owner requiring vegetation to be trimmed for a specified additional distance where the Fire Department determines that the vegetation would otherwise interfere with street or emergency vehicle access. If the property owner fails to maintain the clearance requirements the City may abate the nuisance without further notice at the property owners' expense. This Subsection shall not apply to cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers; provided, that they do not form a means of readily transmitting fire.

4.4.70 Fuel Modification Zones

- A. **Fuel Modification Zones.** Specific zones of a property are subject to fuel modification requirements with regard to the planting of vegetation. These fuel modification requirements are designed to lessen the potential for wildfire. Fire fuel modification zones will be installed and

maintained around all structures pursuant to the following fuel modification zone requirements and as shown in Exhibit 4-1:

1. Zone A extends to a minimum of thirty (30) feet from any structure. This zone is the fuel modification "wet zone" requiring fire resistant vegetation and irrigation systems. Land within this zone must be free of debris, dead wood, branches touching the ground, and other dry or dead vegetation.
2. Zone B extends from Zone A to a minimum of one hundred (100) feet from any structure, regardless of where such structure is located plus any area within twelve (12) feet of the edge of the pavement on any public road or private residential access road. This zone requires either fire resistant and irrigated landscaping or other plant materials (including native species) thinned by a minimum of fifty (50) percent. Land within this zone must be free of debris, dead wood, branches touching the ground, and other dry or dead vegetation.
3. Zone C extends from Zone B to a minimum of two hundred (200) feet from any structure, regardless of where such structure is located. This zone requires either fire resistant and irrigated landscaping or other plant materials (including native species) thinned by a minimum of thirty (30) percent. Land within this zone must be free of debris, dead wood, branches touching the ground, and other dry or dead vegetation.

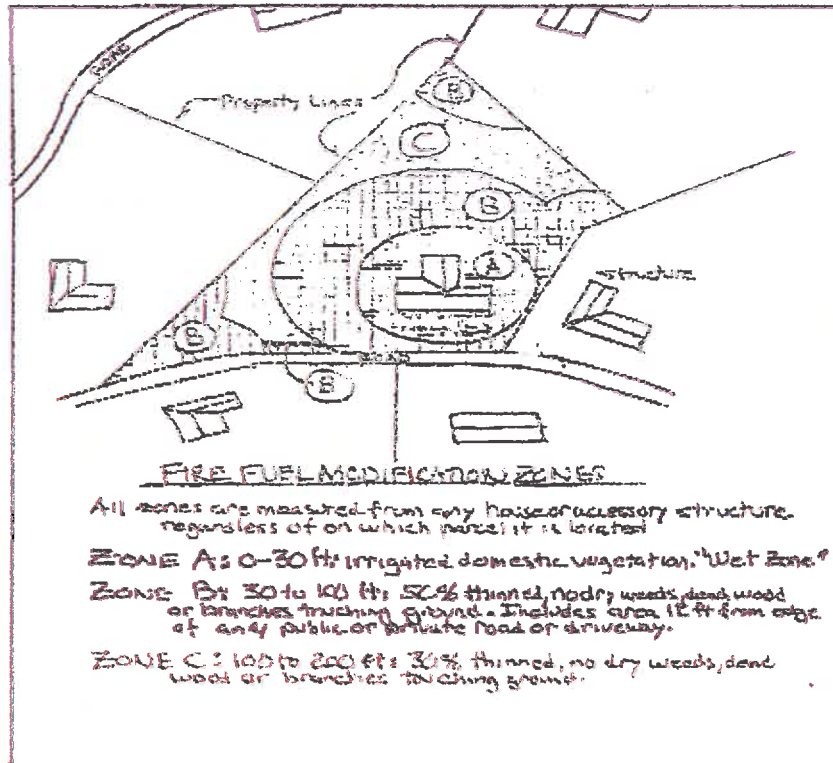


Exhibit 4-1 Fuel Modification Zones

B. Nonconforming Landscaping. Nonconforming landscaping related to fuel modification zones must be replaced in order to conform to current regulations.

4.4.80 Development Standards

The following development standards related to fire prevention and suppression shall be applicable to all new development and significant remodels in the City:

A. Fully Automatic Fire Sprinklers Required. An interior fully automatic fire sprinkler system shall be installed in all of the following buildings, or portions of buildings, unless it is established to the satisfaction of the Fire Chief that the installation of such interior fire sprinkler system would impose an undue burden and the absence of an interior fire sprinkler system would not significantly increase the fire risk or hazard:

1. Any new residence, detached habitable structure, or commercial structure regardless of the construction materials.

2. Existing and new portions of an existing building when more than twenty-five (25) percent of the existing roof structure is replaced by the addition of a second story, more than seventy-five (75) percent of the existing roof structure is replaced, or floor area is increased by more than seventy-five (75) percent.

3. Any residential addition(s), including attached or detached garages, attics, second stories, or other living areas, exceeding one thousand (1,000) square feet of floor area in any twelve (12) month period.

4. Any structure in which more than fifty (50) percent of the existing drywall is removed or disturbed.

5. That portion of any structure having more than one thousand (1,000) square feet of ceiling area removed or disturbed.

6. Any attic area greater than fifty (50) square feet in floor area with a roof pitch greater than six (6) feet in twelve (12) linear feet.

B. **Automatic Natural Gas Seismic Shut-off Valves:** All habitable structures must be equipped with automatic natural gas seismic shut-off valves.

C. **New development applications** must demonstrate that there is adequate fireflow to meet the projected demand associated with the proposed development.

D. **Fireflow Requirement.**

1. The Fire Department shall review the results of the La Habra Heights County Water District fireflow and fire hydrant tests on an annual basis and maintain a record of the results.

2. The Fire Department shall review all development plans to ensure that construction methods and activities are in accordance with recognized fire prevention and suppression standards.

3. No Building Permit may be issued prior to receipt by the Community Development Department of a La Habra Heights City Fire Department certificate stating that a minimum fireflow of seven hundred fifty (750) GPM is available at a fire hydrant safely accessible to

the Fire Department located not over six hundred (600) paved roadway feet from the proposed residential structure or that the required fireflow for all proposed structures other than residences is adequate. The following exceptions to the requirements of this Section shall apply:

- a. The City Council may waive the fireflow requirements when the City Council upon recommendation of the Fire Department finds that there are sufficient alternate sources of water available to adequately protect existing and proposed structures. In waiving the fireflow requirement, the City Council may attach such conditions to the waiver as it deems necessary to protect the public health, safety, and welfare.
- b. Either of the following is exempt from the requirements of this Subsection:
 - i. Additions to existing residential structures not exceeding one thousand (1,000) square feet in area in any twelve (12) month period.
 - ii. Alterations or repairs to existing residential structures in any twelve (12) month period not exceeding fifty (50) percent of the value of existing structures, accessory buildings to existing dwellings, and agricultural areas.

4. The City Council may establish further exceptions to the fireflow requirements when acting on the recommendation of the Fire Chief that such exceptions will be adequate to protect health and safety without requiring excessive public or private expenditures.

4.4.90 Violations/Penalties

A. **Criminal Violations.** Any person or entity that violates any provision of this Chapter (the City of La Habra Heights Fire Code), which is punishable as a felony, will be prosecuted as such pursuant to the California Penal Code. Any person or entity that otherwise violates any provision of this Chapter is guilty of a misdemeanor which shall be punishable pursuant to the procedures set forth in Article 8 of the La Habra Heights Municipal Code unless such violation is otherwise declared to be an infraction. Any person who engages in any of the activities identified in Section 4.4.30 is liable for the expense of fighting any resulting fire, or for the expense incurred during a hazardous materials incident. Any such expense shall be a charge against that person and this charge shall constitute a debt and will be collectible by the public agency incurring the expense.

B. Citations. The City Manager and his/her designee and the Fire Chief and his/her designee shall have the authority and duty to enforce the provisions of the Fire Code pursuant to the California Penal Code. The Fire Chief and his/her designees may make arrests for felony or misdemeanor violations of the Fire Code. The City Manager and/or the Fire Chief (including their designees) may issue citations for infractions or misdemeanor violations of the Fire Code or other related provisions of the Municipal Code.

C. List of Designated Infractions. The activities listed below shall constitute infractions of the Fire Code unless a greater penalty is provided for under other applicable law. Every infraction is punishable in such manner, and to such extent, as is provided by Article 8 of the La Habra Heights Municipal Code.

1. Failure to obtain proper and/or required permits.
2. Failure to properly identify, store, or label hazardous material containers.
3. Failure to maintain required address numbering.
4. Violations of regulations governing fire road and fire-breaks.
5. Obstructing access to or failure to clear passage of a roadway.
6. Trespassing on a closed road.
7. Maintaining a fire alarm system in a manner that does not prevent false alarms.
8. Failure to notify the Fire Department of a fire, hazardous spill or other emergency.
9. Tampering with a fire hydrant.
10. Failure to display welding warning signs.
11. Failure to use asphalt kettles properly.
12. Improper use of window- or door-locking devices that interfere with emergency response.
13. Failure to identify required emergency exits within a building and/or failure to conform to sign illumination requirements.

14. The improper/illegal storage of materials under stairways.
15. Violation of property maintenance requirements governing vegetation clearance.
16. Failure to display or maintain "No Smoking" sign(s) when required.
17. Improper disposal of hazardous, burning or dangerous materials.